

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defense Distributed,
Second Amendment Foundation, Inc.,
Firearms Policy Coalition, Inc.,
Firearms Policy Foundation,
The Calguns Foundation,
California Association of Federal
Firearms Licensees, Inc., and
Brandon Combs,

Plaintiffs,

v.

Gurbir Grewal, Attorney General of the
State of New Jersey,

Defendant.

No. 3:19-cv-04753-AET-TJB

**Plaintiffs' Brief in Support of
Plaintiffs' Motion for Injunction Pending Appeal**

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Argument

Plaintiffs have appealed to the United States Court of Appeals for the Third Circuit from the Order entered as Document 26 on March 7, 2019. *See* Doc. 28. Federal Rules of Civil Procedure 62 and 65 authorize injunctions pending appeal, which in cases like this entail a standard that is “essentially the same as that for obtaining a preliminary injunction.” *See, e.g., Conestoga Wood Specialties Corp. v. Sec’y of HHS*, No. 13-1144, 2013 WL 1277419, at *2 (3d Cir. Feb. 8, 2013). Plaintiffs request an injunction against Defendant Gurbir Grewal pending the disposition of the Plaintiffs’ appeal to the Third Circuit from the Document 26 Order. Specifically, the injunction pending appeal should enjoin the same conduct that the Plaintiffs’ motion for a preliminary injunction seeks to enjoin. *See* Doc. 18-01 at 40. Such relief is warranted for the reasons set forth in the Plaintiffs’ motion for a preliminary injunction and in Plaintiffs’ opposition to the Defendants’ request for a stay, *see* Doc. 18, Doc. 21; Doc. 22; Transcript of Status Conference at 8-15.

Conclusion

For these reasons, until the Third Circuit resolves the Plaintiffs’ appeal from the Order entered as Document 26, the Court should enjoin Defendant Gurbir Grewal, in his official capacity as New Jersey Attorney General, from the following:

- (1) enforcing New Jersey Statute § 2C:39-9(l)(2) against Plaintiffs,
- (2) directing the Plaintiffs to cease and desist publishing computer files with digital firearms information, and

- (3) directing the Plaintiffs' communication service providers to cease and desist publishing Plaintiffs' computer files with digital firearms information.

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Respectfully submitted,

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